Case 2:12-md-02327 Document 954 Filed 12/02/13 Page 1 of 3 PageID #: 11730 APPROVED and SO ORDERED.

ENTER: 12/02/13

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION

JOSEPH R. GOODWIN UNITED STATES DISTRICT JUDGE

IN RE ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY

THICK TOOM

MDL No. 2327

LITIGATION : MDL No. 2327

This Document Applies To All Actions

. Judge Joseph R. Goodwin

PLAINTIFFS' UNOPPOSED MOTION TO EXCEED THE PAGE LIMIT FOR THEIR MEMORANDUM IN SUPPORT OF THEIR MOTION FOR A FINDING OF SPOLIATION AND FOR SANCTIONS

COME NOW Plaintiffs to respectfully move this Court, pursuant to Local Rule 7.1(a)(2), for leave to file a brief in excess of the Court's 20-page limit for memoranda. Plaintiffs request leave to file a Memorandum in Support of Their Motion for a Finding of Spoliation and for Sanctions of no more than 25 pages in length—giving Plaintiffs as many as an additional five pages. The current draft of the brief is approximately 24 pages long.

In order to make the case for spoliation sanctions, Plaintiffs must go into great detail regarding Defendant Ethicon, Inc.'s destruction of important evidence, as well as the effect of this document destruction on Plaintiffs' ability to make their case. The brief explains the roles of a large number of Ethicon employees for whom few, if any, documents were produced as a part of their custodial files, despite those employees' long histories with the company. Notably, Ethicon destroyed the hard drive of the company's outgoing world-wide president, Renee Selman, removing five years' worth of information. Ethicon also lost or destroyed approximately 600 pounds of documents from Medscand, the original manufacturer of Ethicon's TVT product. These are two of the more blatant examples, but there are numerous other examples of missing information, as will be outlined by Plaintiffs' brief.

The first draft of the memorandum was nearly 50 pages long, and Plaintiffs have made a

diligent effort to make the motion as succinct as possible, while still giving the Court a complete

picture as to what has occurred and why it is important. The brief also discusses the Court's

options if the Court decides to sanction Ethicon for its spoliation, and explains why certain

remedies suggested by the Plaintiffs are appropriate.

Counsel for Defendant has been informed about the pending motion and is not opposed to

the motion to exceed the standard page limit.

WHEREFORE, Plaintiffs respectfully request that the Court exercise its discretion under

Local Rule 7.1(2) and grant Plaintiffs' motion to exceed the page limit by as many as five pages,

thereby allowing Plaintiffs to file a Memorandum in Support of Their Motion for a Finding of

Spoliation and for Sanctions of no more than 25 pages in length. A proposed Order is attached

as Exhibit 1.

Dated: November 27, 2013

Respectfully submitted,

/s/ D. Renee Baggett

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